

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

In re:	Case No. 24-10721-pmm
Shalonda Lisa Jarvis,	Chapter 13
Debtor.	
Shalonda Lisa Jarvis,	Adversary No. 24-00043-pmm
Plaintiff,	
v.	
Anchored Finance,	
Defendant.	

**Order Granting Plaintiff's Motion for Temporary Restraining  
Order and Preliminary Injunction**

**AND NOW**, upon consideration of the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, the Plaintiff's Complaint, and after notice and hearing, the Court finds as follows:

- A. Plaintiff is the Debtor in the above-captioned chapter 13 case.
- B. This Court thus has jurisdiction over this proceeding, which arises in a case under the Bankruptcy Code and concerns property of the Debtor, pursuant to 28 U.S.C. § 1334.
- C. Certain of Plaintiff's exempt property, which is property of the estate as defined by 11 U.S.C. § 541, to wit, a 2021 Mazda CX-5, VIN JM3KFBCM1M1351945, in which she has an interest, is in the possession of Defendant Anchored Finance.
- D. At the time her petition was filed, Debtor gave notice of the filing to Defendant.
- E. Upon receipt of this notice, Defendant was required pursuant to 11 U.S.C. § 542, to turn over this exempt property to the trustee in this case.
- F. The trustee has not acted to recover this exempt property of the Debtor.
- G. Under 11 U.S.C. § 1306, the Debtor is entitled to possession of all property of the estate.
- H. Under 11 U.S.C. § 1303, the Debtor is entitled to exercise the rights of the trustee under 11 U.S.C. § 363(b) regarding the use of the property.
- I. Plaintiff has provided proof that plaintiff shall provide adequate protection for the interest of Defendant through the purchase of collision insurance.

- J. Nonetheless, Defendant has refused to turn over the property as required by 11 U.S.C. § 542.
- K. Plaintiff is in immediate and compelling need for the property because it is the only means by which plaintiff can travel to work. Without a prompt return of the property, plaintiff's chapter 13 case and plan cannot succeed.
- L. Plaintiff is likely to prevail in this proceeding because section 542 requires turnover of property of the estate.

**NOW, THEREFORE**, it is hereby **ORDERED** that:

- 1. The motion is **GRANTED**.
- 2. Defendant Anchored Finance must immediately turn the 2021 Mazda CX-5, VIN JM3KFBCM1M1351945 over to the Plaintiff.
- 3. This order will continue in effect pending final determination of this action by the Court.

Date:

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Patricia M. Mayer  
U.S. Bankruptcy Judge